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10/712,886	11/12/2003	Erol Bozak	13913-148001 / 2003P00473	2311

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP	DASGUPTA, SOUMYA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/712,886	BOZAK ET AL.
Office Action Summary	Examiner	Art Unit
	Soumya Dasgupta	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>x</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 November 2003</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>11/12/2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/27/04, 4/23/04, 6/14/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This is the initial office action based on 10/712,886 application filed on 11/12/2003. Claims 1-8, as originally filed, are currently pending and have been considered below. Claims 1, 4 and 5 are independent claims.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4:

Claim 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is not directed to one of the four statutory categories of invention and are thus non-statutory. Furthermore, claims 1-4 has judicial exception, but it fails to provide a practical application and thus does not produce a tangible result. Furthermore, in claims 1-4, the GUI is a non-functional descriptive matter and is thus non-statutory.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Besaw et al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw).

Claim 1:

Besaw teaches **a graphical user interface (GUI) comprising: a graph with edges
and vertices, the vertices representing grid nodes and the edges representing an
association of two grid nodes in a grid computing network** (col 2, lines 16-20; Figs
2-4).

- Besaw states that "it is an object of the invention to automatically layout the
  nodes, called vertices, and connections between nodes, called edges, of a
  network in graphical form (col 2, lines 16-20).

Claim 2:

Besaw teaches **the GUI in which the association is peer-to-peer** (col 1, lines 12-20).

- Besaw states that "computer networks are collections of hardware and software
  that connect computers and allow them to send information from one computer to
  another electronically. A computer network is comprised of the physical hardware
  connections between the various computers, for example telephone lines or a
  coax cable, and the software used to send and receive data and to route the data
  to the selected computer on the network" (col 1, lines 12-20).

- It is inherent that a computer network uses the association of a server-client
  relationship or a peer-to-peer relationship.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148
USPQ 459 (1966), that are applied for establishing a background for determining
obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

5.   Claims 3, 5, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Besaw et al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw) in
view of Thompson (US 5761429; Patent Issue Date: Jun 2, 1998; hereafter Thompson).

Claim 3:

Besaw discloses the teachings of claim 1.

Besaw does not appear to explicitly disclose **the GUI in which the association is
hierarchical.**

Thompson discloses **the GUI in which the association is hierarchical** (col 1, lines 65-
67 – col 2, lines 1-3).

- Thompson discloses that "the network controller comprises an object-based
  graphical user interface for interacting with the object hierarchy to display a view
  of at least one object. This permits a flexible and user friendly display of the
  object hierarchy" (col 1, lines 65-67 – col 2, lines 1-3).

Besaw and Thompson are analogous art because they are from the same field of
endeavor of network GUIs.

At they time of the invention, it would have been obvious to one of ordinary skill in the
art, having the teachings of Besaw and Thompson before him or her, to incorporate a

network management network GUI consisting of edges and vertices, as disclosed by Besaw, with a network with a hierarchical structure, as disclosed by Thompson.

The motivation for doing so would have been to allow users to use a GUI that can show a network hierarchy network controller which can monitor the operation of a network (Thompson: col 1, lines 19-20) with a plurality of visual representations including edges, vertices, and nodes.

Therefore, it would have been obvious to combine Besaw with Thompson to obtain the invention as specified in the instant claim.

Claim 5:

Besaw teaches **a method comprising: receiving a request to visualize a grid network with at least one node from a set of linked nodes, the nodes representing computers running grid managers and vectors representing relations between pairs of grid managers** (col 2, lines 16-20; Figs 2-4); **...displaying the at least one node representing a grid manager** (col 2, lines 16-20; Figs 2-4);... **displaying nodes corresponding to the grid managers in the first list and drawing vectors from the grid manager to the grid managers in the first list of grid managers** (col 2, lines 16-20; Figs 2-4);... **and displaying nodes corresponding to the grid managers in the second list and drawing vectors from the grid managers in the second list to the grid manager of the root node** (col 2, lines 16-20; Figs 2-4).

- The applicant states that "the properties file contains a list of addresses of computer devices with grid managers having superior relations to grid manager 154. This list was described earlier as a first list of all superior relations with other grid managers" (paragraph 45).

    - o The examiner notes that Figs 2-4 of Besaw teach a superior or inferior node relations to another.

- o It would be obvious to one of ordinary skill in the art to have a second, third, or additional lists of lists of address of computer devices in there is a first list.

- The examiners interprets the term "vector" to be lines as taught by Besaw (Fig 2-4).

- Fig 4 of Besaw shows a "star formation." The examiner interprets the root node of Fig 4 to be the "hub." It is also inherent that several networks that are represented by nodes have a root node.

- The term "grid manager(s)" is nonfunctional descriptive material and is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32, F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

  - o The examiner interprets a "grid manager" to be a form of network management system and does not affect the patentability of the overall invention.

  - o The examiner interprets "computer grid application" as applications for the "grid manager."

  - o The examiner interprets "management services" to as applications for to manage networks.

Besaw does not appear to explicitly disclose **sending a first query to the grid manager requesting a first list of grid managers having an inferior relation to the root node;...sending a second query to the grid manager requesting a second list of grid managers having a superior relation to the grid manager.**

Thompson discloses **sending a first query to the grid manager requesting a first list of grid managers having an inferior relation to the root node;...sending a second**

query to the grid manager requesting a second list of grid managers having a superior relation to the grid manager (col 1, lines 65-67 – col 2, lines 1-3).

- The examiner interprets one grid or node having superiority (or inferiority) relations over another as being hierarchical.

- It is inherent that a query is sent to and from grid managers for a network in order for networks to communicate.

- The applicant states that "the properties file contains a list of addresses of computer devices with grid managers having superior relations to grid manager 154. This list was described earlier as a first list of all superior relations with other grid managers" (paragraph 45).

   o The examiner notes that Figs 2-4 of Besaw teach a superior or inferior node relations to another.

   o It would be obvious to one of ordinary skill in the art to have a second, third, or additional lists of lists of address of computer devices in there is a first list.

Besaw and Thompson are analogous art because they are from the same field of endeavor of network GUIs.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Thompson before him or her, to incorporate a network management network GUI consisting of edges and vertices, as disclosed by Besaw, with a network with a hierarchical structure, as disclosed by Thompson.

The motivation for doing so would have been to allow users to use a GUI that can show a network hierarchy network controller which can monitor the operation of a network (Thompson: col 1, lines 19-20) with a plurality of visual representations including edges, vertices, and nodes.

Therefore, it would have been obvious to combine Besaw with Thompson to obtain the invention as specified in the instant claim.

Claim 6:

Besaw and Thompson disclose the teachings of claim 5.

Besaw discloses **the method comprising: displaying nodes representing grid managers in the third list of grid managers and drawing vectors from the grid managers in the second list of grid managers to grid managers in the third list of grid managers** (col 2, lines 16-20; Figs 2-4).

- The applicant states that "the properties file contains a list of addresses of computer devices with grid managers having superior relations to grid manager 154. This list was described earlier as a first list of all superior relations with other grid managers" (paragraph 45).

    o The examiner notes that Figs 2-4 of Besaw teach a superior or inferior node relations to another.

    o It would be obvious to one of ordinary skill in the art to have a second, third, or additional lists of lists of address of computer devices in there is a first list.

- The examiners interprets the term "vector" to be lines as taught by Besaw (Fig 2-4).

- The term "grid manager(s)" is nonfunctional descriptive material and is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In

re Gulack, 703 F.2d 1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32,
F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

- o The examiner interprets a "grid manager" to be a form of network
  management system and does not affect the patentability of the overall
  invention.

Besaw does not appear to explicitly disclose **the method comprising: sending a third
query to each of the grid managers in the first list of grid managers requesting a
third list of grid managers having an inferior relation to each grid manager in the
first list of grid managers.**

Thompson discloses **the method comprising: sending a third query to each of the
grid managers in the first list of grid managers requesting a third list of grid
managers having an inferior relation to each grid manager in the first list of grid
managers** (col 1, lines 65-67 – col 2, lines 1-3).

- The examiner interprets one grid or node having superiority (or inferiority)
  relations over another as being hierarchical.

- It is inherent that a query is sent to and from grid managers for a network in order
  for networks to communicate.

- The applicant states that "the properties file contains a list of addresses of
  computer devices with grid managers having superior relations to grid manager
  154. This list was described earlier as a first list of all superior relations with other
  grid managers" (paragraph 45).

  - o The examiner notes that Figs 2-4 of Besaw teach a superior or inferior
    node relations to another.

  - o It would be obvious to one of ordinary skill in the art to have a second,
    third, or additional lists of lists of address of computer devices in there is a
    first list.

Besaw and Thompson are analogous art because they are from the same field of
endeavor of network GUIs.

At they time of the invention, it would have been obvious to one of ordinary skill in the
art, having the teachings of Besaw and Thompson before him or her, to incorporate a
network management network GUI consisting of edges and vertices, as disclosed by
Besaw, with a network with a hierarchical structure, as disclosed by Thompson.

The motivation for doing so would have been to allow users to use a GUI that can show
a network hierarchy network controller which can monitor the operation of a network
(Thompson: col 1, lines 19-20) with a plurality of visual representations including edges,
vertices, and nodes.

Therefore, it would have been obvious to combine Besaw with Thompson to obtain the
invention as specified in the instant claim.

Claim 7:

Besaw and Thompson disclose the teachings of claim 6.

Besaw also **discloses the method further comprising: recursively repeating the
steps of sending and displaying for each of the grid managers in the third list** (Fig
13; col 8, lines 50-54).

- The applicant states that "the method may further include recursively repeating
  the steps of sending and displaying for each of the grid managers in the third list.
  The method may also include sending a query to the grid manager, the query
  requesting a list of services and applications managed by the grid manager, and
  displaying an expandable structure, the display showing the list of services and
  applications managed by the grid manager" (paragraph 10).

- o Besaw states that "FIG. 13 shows a flowchart of the find clusters module block 706 of FIG. 7. This module will find all of the clusters currently in the graph, and will divide any clusters which have only a single connection to another cluster" (col 8, lines 50-54).

- o The examiner interprets "recursively repeating the steps of sending and displaying" as functionally equivalent to updating or displaying the current task.

- The applicant states that "the properties file contains a list of addresses of computer devices with grid managers having superior relations to grid manager 154. This list was described earlier as a first list of all superior relations with other grid managers" (paragraph 45).

  - o The examiner notes that Figs 2-4 of Besaw teach a superior or inferior node relations to another.

  - o It would be obvious to one of ordinary skill in the art to have a second, third, or additional lists of lists of address of computer devices in there is a first list.

- The term "grid manager(s)" is nonfunctional descriptive material and is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32, F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

- The examiner interprets a "grid manager" to be a form of network management system and does not affect the patentability of the overall invention.

6.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw et al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw) in view of

Thompson (US 5761429; Patent Issue Date: Jun 2, 1998; hereafter Thompson) in
further view of Microsoft Excel 2000.

Claim 4:

Besaw discloses **a graphical user interface (GUI) comprising: a graph with vectors
and nodes for visualizing a computer grid, the nodes representing computers
running grid managers and the vectors representing relations between pairs of
grid managers** (col 2, lines 16-20);... **and an event handler configured to receive a
request to view management services running on a computer and to generate a
display showing the management services running on the computer** (inherent).

- It is inherent for a computer to use an event handler to receive request to view
  tasks and application (i.e. management services) and generate a pertinent
  display.

- The terms "grid managers, computer grid applications, and management
  services" is nonfunctional descriptive material and is not functionally involved in
  the steps recited. Thus, this descriptive material will not distinguish the claimed
  invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d
  1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32, F.3d 1579, 32
  USPQ2d 1031 (Fed. Cir. 1994).

  o The examiner interprets a "grid manager" to be a form of network
    management system and does not affect the patentability of the overall
    invention.

  o The examiner interprets "computer grid application" as applications for the
    "grid manager."

  o The examiner interprets "management services" to as applications for to
    manage networks.

Besaw does not appear to explicitly disclose **each of the relations defining a first grid manager to be superior to a second grid manager and a vector points from a node representing the first grid manager to a node representing the second grid manager.**

Thompson discloses **each of the relations defining a first grid manager to be superior to a second grid manager and a vector points from a node representing the first grid manager to a node representing the second grid manager** (col 1, lines 65-67 – col 2, lines 1-3).

- The examiner interprets one grid or node having superiority (or inferiority) relations over another as being hierarchical.

Both Besaw and Thompson does not appear to explicitly disclose **for each node, an expandable structure showing computer grid applications running on a computer represented by the node.**

Microsoft Excel 2000 discloses **for each node, an expandable structure showing computer grid applications running on a computer represented by the node** (pg 67-68).

Vaid and Microsoft Excel 2000 are analogous because they both teach GUIs representing columns and rows.

Besaw and Thompson are analogous art because they are from the same field of endeavor of network GUIs.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Thompson before him or her, to incorporate a network management network GUI consisting of edges and vertices, as disclosed by Besaw, with a network with a hierarchical structure, as disclosed by Thompson, and also with an expandable structure, as disclosed by Microsoft Excell 2000.

The motivation for doing so would have been to allow users to use a GUI that can show

a network hierarchy network controller which can monitor the operation of a network
(Thompson: col 1, lines 19-20) with a plurality of visual representations including edges,
vertices, and nodes that can hide or expand out the GUI for easy viewing as disclosed
by Microsoft Excel 2000.

Therefore, it would have been obvious to combine Besaw with Thompson and Microsft
Excell to obtain the invention as specified in the instant claim.

7.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Besaw et
al (US 5276789; Patent Issue Date: May 14, 1994; hereafter Besaw) in view of
Thompson (US 5761429; Patent Issue Date: Jun 2, 1998; hereafter Thompson) in
further view of Vaid et al (US 6502131; Patent Issue Date: Dec 31, 2002; hereafter
Vaid).

Claim 8:

Besaw and Thompson disclose the teachings of claim 5.

Besaw discloses **displaying an expandable structure** (Figs 2-4).

Besaw and Thompson does not appear to explicitly disclose **the method of
comprising: sending a query to the grid manager, the query requesting a list of
services and applications managed by the grid manager;... the display showing
the list of services and applications managed by the grid manager.**

Vaid discloses **the method of comprising: sending a query to the grid manager, the
query requesting a list of services and applications managed by the grid manager
(Fig 9);... the display showing the list of services and applications managed by
the grid manager** (Fig 9).

- The examiner notes that it is inherent to query a list of services in order to obtain
  the updated information and display it.

Besaw ,Thompson, and Vaid are analogous art because they are from the same field of endeavor of network GUIs.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Besaw and Thompson before him or her, to incorporate a network management network GUI consisting of edges and vertices, as disclosed by Besaw, with a network with a hierarchical structure, as disclosed by Thompson, and also with a list of services.

The motivation for doing so would have been to allow users to use a GUI that can show a network hierarchy network controller which can monitor the operation of a network (Thompson: col 1, lines 19-20) with a plurality of visual representations including edges, vertices, and nodes that "monitor[s] a flow of information coupled to a network of computers" (Vaid: col 2, lines 57-58).

Therefore, it would have been obvious to combine Besaw with Thompson to obtain the invention as specified in the instant claim.

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

This is a <u>provisional</u> obviousness-type double patenting rejection.

Claim 1:

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double
patenting as being unpatentable over claim 1 of copending Application No. 10/706,377
(hereafter '377).

Claim 1 of application 10/712,886 (hereafter '886) states that **the graphical user
interface (GUI) comprising: a graph with edges and vertices, the vertices
representing grid nodes and the edges representing an association of two grid
nodes in a grid computing network** (Claim 1 of '377 teaches **a graphical user
interface (GUI) comprising: a structure with columns and rows, each of the rows
representing services in a grid computing network**).

Claim 3:

Claim 3 is provisionally rejected on the ground of nonstatutory obviousness-type double
patenting as being unpatentable over claim 1 of copending Application No. 10/706,377
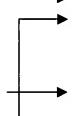(hereafter '377).

- Claim 3 of application 10/712,886 (hereafter '886) states that **the GUI in which
the association is hierarchical**

o Claim 1 of '377 teaches that **the rows structured hierarchically with respect to an application where a service belongs, a type of service and concrete service instances**).

Claim 5:

2. Claim 5 of application 10/712,886 (hereafter '886) is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/706,377 (hereafter '377) and further in view of Vaid (US 6,502,131).

- Claim 5 of '886 states **receiving a request to visualize a grid network with at least one node from a set of linked nodes.**
  - o Claim 7 of '377 teaches **a method comprising: receiving a request to view a sub grid network of a grid network.**
- Claim 5 of '886 states **sending a first query to the grid manager requesting a first list of grid managers having an inferior relation to the root node [and...] sending a second query to the grid manager requesting a second list of grid managers having a superior relation to the grid manager.**
  - o Claim 7 of '377 states **querying a grid manager representing the root node for its status and addresses of nodes with inferior relations and querying inferior grid managers for current status.**
  - o It is obvious to one of ordinary to skill to have a list having superior relations if there is a list with inferior relations.
- Claim 5 of '886 states **displaying nodes corresponding to the grid managers in the first list and drawing vectors from the grid manager to the grid managers in the first list of grid managers.**
  - o Claim 7 of '377 teaches **the sub grid network representing a root node and nodes with inferior relations to the root node and displaying a state of the root and inferior grid managers and for each grid manager, a computer system running the grid manager.**

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- Claim 5 of '886 states the nodes representing computers running grid managers and vectors representing relations between pairs of grid managers.
- Claim 7 of '377 states **the nodes representing grid managers managing one or more services running on computers in the grid network.**

The term "grid manager(s)" is nonfunctional descriptive material and is not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 217 USPQ 401, 403 (Fed. Cir. 1983); In re Lowry, 32, F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

- The examiner interprets a "grid manager" to be a form of network management system and does not affect the patentability of the overall invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soumya Dasgupta whose telephone number is 571-272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Doug Hutton
Primary Examiner
Technology Center 2100